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10 Attorneys for Defendant Square, Inc.
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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
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16 ANTHONY OLIVER,

17 Plaintiff,

18 vs.

19 SQUARE, INC.,

20 Defendant.
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Case No. 3:19-cv-04110-RS

**DECLARATION OF ROSE LEDA EHLE
IN SUPPORT OF DEFENDANT SQUARE,
INC.'S ADMINISTRATIVE MOTION TO
EXTEND DEADLINE TO ANSWER OR
OTHERWISE RESPOND TO
PLAINTIFF'S COMPLAINT**

[Filed concurrently with Defendant Square's
Motion to Extend Deadline to Answer or
Otherwise Respond to Plaintiff's Complaint]

Judge: Hon. Richard Seeborg
Crtrm: 3, 17th Floor

DECLARATION OF ROSE LEDA EHLER

I, Rose Leda Ehler, hereby declare:

1. I am admitted to practice before all of the courts of the State of California and this Court. I am a partner at the law firm of Munger, Tolles & Olson LLP and counsel of record for Defendant Square, Inc. (“Square”) in the above-captioned matter. I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, I could and would testify competently to the matters set forth herein

2. Plaintiff is currently incarcerated and subject to the Prisoner Litigation Reform Act (“PLRA”). Square has concurrently filed a Motion under 28 U.S.C. § 1915(g) which bars a prisoner from filing a civil action *in forma pauperis* “if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger or serious physical injury.”

3. The requested extension of the deadline to answer or respond to Plaintiff’s Complaint avoids what will likely be an unnecessary use of Square’s resources in investigating and preparing a responsive filing, and avoid unnecessarily burdening the Court with that motion.

4. Plaintiff is currently incarcerated and has provided the Court with only a mailing address for contact information. Given the short window to respond and the lack of a phone number for contacting Plaintiff, I believe attempting to obtain a stipulation via postal mail would be unlikely. Moreover, without any prior contact or provocation, Plaintiff has already threatened to file Rule 11 motions and state bar complaints against my colleague, Nefi Acosta, who has appeared on behalf of Square in this matter. I have attached a true and correct copy of that correspondence as **Exhibit A** to this declaration. As such, I also believe any attempt to obtain a stipulation would be futile.

5. There has been only one previous time modification to this case. Square’s response to Plaintiff’s Complaint was originally due on December 9, 2019—21 days after Plaintiff’s Complaint was filed. See Fed. R. Civ. P. 12(a)(1)(A)(i). On December 4, 2019, Square filed a

1 motion for an extension of time to file Answer based in part upon Square's recent retention of
2 counsel and the need to conduct a more thorough factual investigation. On December 9, 2019,
3 Judge James Donato, who was previously assigned to this matter, granted the motion and ordered
4 Square's deadline to respond to Plaintiff's Complaint be moved to December 30, 2019. Dkt. 28.

5 6. In my judgment, granting Square the requested extension is highly unlikely to have
6 any material effect on the case schedule or prejudice Plaintiff in any way. The Court has not yet
7 established a schedule for this matter.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct.

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11 Executed on this 18th day of December, 2019, at Los Angeles, California.

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13 /s/ Rose Leda Ehler
14 Rose Leda Ehler
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